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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. CR 09-30041 PA

v.

CLIFFORD R. TRACY,

Defendant.

**UNOPPOSED MOTION TO
PARTIALLY STRIKE A CITATION IN
THE INFORMATION**

The United States of America, by Kent S. Robinson, Acting United States Attorney, through Neil J. Evans, Assistant United States Attorney, hereby moves to strike the citation to “(a)(3)” in the citation to 36 C.F.R. § 228.4(a)(3) contained in the Information. This motion is not opposed by the Defendant.

The 36 C.F.R. Section 228 citation is a reference to the applicable mining regulations, not the criminal statute alleged to have been violated. The citation to subsection “(a)(3)” is unnecessarily specific to one subsection. The government’s trial brief requests that the court take

judicial notice of the entire Subpart A, Section 228. Thus, striking “(a)(3)” from the Information does not affect the crime charged and makes more clear the applicable mining regulations.

DATED this 30th day of October, 2009.

KENT S. ROBINSON
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Attorneys for Plaintiff